

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

KATHERINE LYNN NIELSEN,  
Plaintiff,

v.

COLVILLE CASINOS,  
Defendant.

NO: 13-CV-0044-TOR

ORDER DISMISSING CASE  
WITHOUT PREJUDICE

BEFORE THE COURT is Plaintiff's request to file a *pro se* complaint *in forma pauperis*. Pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), "[n]otwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall dismiss the case at any time if the court determines that the action or appeal fails to state a claim upon which relief may be granted."

A complaint fails to state a claim upon which relief may be granted if it lacks a cognizable legal theory or lacks sufficient facts to support a cognizable legal theory. *Balistreri v. Pacifica Police Dept.*, 901 F.2d 696, 699 (9th Cir.1990).

1 Plaintiff's Complaint lacks sufficient facts to support a cognizable legal theory.

2 Accordingly, Plaintiff's Complaint must be dismissed without prejudice.

3 **ACCORDINGLY, IT IS HEREBY ORDERED:**

4 Plaintiff's Complaint (ECF No. 4) is **DISMISSED**.

5 The District Court Executive is hereby directed to enter this Order, furnish a  
6 copy to Plaintiff, and **CLOSE** the file.

7 **DATED** April 8, 2013.



10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20

A handwritten signature in blue ink that reads "Thomas O. Rice".

THOMAS O. RICE  
United States District Judge